

EXHIBIT 20 R-2 (CT-R-2)

-----Original Message-----

From: James Hurson [mailto:JAMESH@co.kittitas.wa.us]

Sent: Tuesday, June 03, 2003 5:49 PM

To: Chris Taylor

Cc: Clay White; 'dpeeples'

Subject: RE: follow up re. application

Apparently the answer to my question is: "Yes, Zilkha expects the County to drop everything else they are working on and respond immediately." I quite frankly, don't have time to play these games. I also don't have time (and do not intend to take the time) to correct every misstatement and mischaracterization that you included in your e-mail. If you were "very eager to proceed with the application process" why didn't you get it to us four months ago like we asked you to; when we would have had the time needed to process this in an appropriate fashion? The County staff is not going to drop everything else it has in order to somehow try and make up for Zilkhas extensive delay. I believe we have made that abundantly clear in previous conversations. It would be completely unfair and inappropriate to treat all of the other pending project applications in such a fashion.

As you know Chris, it has been a concern of mine for quite some time that Zilkha has plotted out some sort of strategy to delay getting an application to us as long as possible so the County lacks sufficient time to carry out its statutory duty. My concern has been that Zilkha will then try to force the County to accomplish its duty in an unreasonably short time frame and then go to EFSEC to seek an override of local land use planning and zoning when the County is unable to complete its work in that compressed timeframe. I've expressed that concern to Zilkha representative for quite some time. I've been repeatedly assured that is not the case. As the old saying goes, however, actions speak louder than words. Every action of Zilkhas appears to be completely consistent with the scenario I've described. I frankly haven't seen even one action by Zilkha that contradicts that concern. I've seen no good faith effort from Zilkha at any point to get us a timely and complete application that gives the County the time necessary to process the application in an appropriate time frame.

The county has been trying to get Zilkha to submit an application since January. You, Darrel Peeples, and I were talking about the lack of consistency issue within five minutes of the time you dropped by my office just a couple of days after you filed with EFSEC. I have repeatedly written letters and e-mails to Zilkha to try and get you to submit a timely and complete application. You have been repeatedly told that we need a timely and complete application. All that we have seen in response is delay, delay, and more delay. That delay is now being followed by pressure from you that Zilkhas application is to be responded to immediately and at the expense of all other applications.

Your e-mail is also yet another example of facts consistent with a strategy that I am concerned is taking place. You appear to be trying to make it look like you've been submitting things to us when you haven't. You make reference in this e-mail (and I believe also made reference to the EFSEC council at a prior meeting) to having an "application" that was "originally filed" on March 27th. What application? What you

brought to the County in March was so defective that it defies description. It didn't have owner signatures, adjacent owner list, an application fee etc. As I recall, the cover letter even indicated that you were not even applying for a land use change. Planning pointed out some of the more glaring defects and sent it back to be fixed before they would take the time to review the whole document. Nearly two months later we still didn't have the complete information even though it had been pointed out repeatedly that key items were missing (such as owners signatures and adjacent property owner list). Whether your latest submittal is complete or not I do not know. Based upon Zilkha's track record of incompleteness I would suspect that Clay would find it necessary to completely review your latest submittal in its entirety to make sure it's complete.

Zilkha's record of incompleteness simply highlights my concerns that this is just a strategy with an end game of seeking preemption. Nonprofessionals routinely seem to be able to fill out our rezone forms with fewer problems. Professionals in the wind farm industry also seem to have no difficulty dealing specifically with the land use and zoning forms related to wind farms. EnXco was able to get a complete application to us in January. That would seem to indicate that people in the wind energy industry are capable of filling out a complete county application and getting it to us in a timely fashion if they want to. If it's not just a ploy, how is it that enXco was easily able to accomplish the task of submitting a complete application with adjoining list, signatures etc. yet Zilkha was unable to do so even though they had the enXco application to use a template?

The concern that this is simply a ploy has been once again bolstered by the recent "extension" request with EFSEC. EFSEC gave the parties 90 days from May 1 to attempt to resolve the inconsistency. Even if we were to assume that Zilkha has now finally submitted a complete application, we didn't get it until June 2. How is sitting on your application for another month and then agreeing to an "extension" an extension at all? It seems that this is just further evidence consistent with this strategy. It looks like it is intended to simply make it look like Zilkha is agreeing to more time to work on consistency when we have really gained no additional time. When talking with Darrel I believe I was quite clear that in my view talk was cheap and that I was looking for action to prove that this wasn't just some ploy. I was looking for action (not just talk) that gives the County "back" the time that it would have had if Zilkha had submitted an application back in January or early February like we had asked you to do. I understood that was what we were getting. I now find that all we have is a paltry 30-day "extension" coupled with a 31 day delay in submittal.

I have other work to do for the citizens of this County so do not intend to belabor this point any further at this time. I'm sure that Clay will get back to you in a timely fashion regarding the completeness (or not) of the application and any questions you have about the number of copies that are needed. I fear, however, that if my concerns are well founded all of this will simply be for naught. As I've said before, actions speak louder than words. These actions speak to a bad faith strategy to circumvent the local land use decision-making process. Please be assured that such a strategy will fail.

-----Original Message-----

From: Chris Taylor [mailto:ctaylor@zilkha.com]

Sent: Tuesday, June 03, 2003 10:37 AM

To: James Hurson

Cc: Chris Taylor; Clay White
Subject: RE: follow up re. application

Jim-

In response to your email below, the reason we thought it might be possible for Clay to get back to me yesterday is that this is not a new application and we have been in discussions with Clay and you regarding our application since we originally filed it on March 27th. Clay had already reviewed our application several times and provided very specific comments, to which we have responded.

The latest comments in Clay's last letter were limited to the labeling of the exhibits and the five paragraphs in Section 3 that explain the context of our County application within the broader framework of the EFSEC review process. We assumed that a quick review of the labeling of exhibits would not take more than a minute. Regarding the language in Section 3, we further assumed that this was already resolved, as I understood that you, Jim, told our attorney Tim McMahan last week that you would advise Clay and the Planning Department to accept our application with this language. We have not modified this language since you made that commitment and I have not heard from you that you have changed your position on this point.

We do have a question for Clay regarding the number of copies of our County application that we have been requested to provide. Clay's letter indicated we needed to submit 650 copies of the application. I understand that enXco was only required to provide 175 copies of their County application. Clay explained to me on the phone that this number was based on: 1) the 300' adjoining property owners list; 2) EFSEC's interested persons list and 3) existing County planning department list of interested persons. The adjoining landowners list consists of less than 50 people. EFSEC has only distributed about 64 hard copies of our application. There is a much larger list of people who have requested that they receive NOTICE of ALL EFSEC actions, but these people have not requested copies of the application for our proposed project. It seems reasonable to assume that if these people have not requested a copy of the EFSEC application that they may not want copies of our County application. Adding up the people who have received copies of our EFSEC application and the adjoining property owners list indicates the need for about the same number of applications as enXco was requested to provide (150).

The cost to produce 650 bound copies of the County application is about \$6,000. We do not object to providing a reasonable number of copies so that the interested public has ready access to our application. However, given the information above, we are not convinced that such a large number is truly necessary at this point. We can always print additional copies at our expense if the County runs out.

We are very eager to proceed with the application process and appreciate your cooperation in responding as soon as possible.

Thanks.

Chris

Chris Taylor
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